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EMAIL: UPON REQUEST

November 9, 2015

VIA FAX TO 845-452-8375 AND ECF

Hon. Cecelia Morris, Chief United States Bankruptcy Judge
United States Bankruptcy Court
355 Main Street (2nd Floor)
Poughkeepsie, NY 12601

In re Yitschak Goldstein
USBC SDNY Case No. 13-37651-cgm
Our File No. 15359

Your Honor:

We represent KJ Acres LLC, the Owner and Landlord of the Debtor's residence located at 131 Acres Road, Unit 201, Monroe, NY (the "Premises").

Receipt of Mr. Greher's letter of this date is acknowledged.

Notwithstanding Mr. Goldstein's alleged medical emergency, which follows literally years of additional delaying tactics in Rabbinical Court, Justice Court, this Court, and the United States District Court, and a Notice of Appeal to the United States Court of Appeals for the Second Circuit (for which no filing fee has been paid and Mr. Goldstein's application for *in forma pauperis* status has been stricken), **Mr. Goldstein's presence tomorrow with respect to the Owner's Motion for an Administrative Claim is actually not required.**

No facts are in dispute. Mr. Goldstein has not offered any substantive rebuttal to the facts as set forth in the Owner's Motion for an Administrative Claim for rent accrued between this court's granting of the Owner's Motion for Relief from the Automatic Stay on May 21, 2014, and the date of his voluntary conversion of his case from Chapter 13 to Chapter 7 on October 19, 2015 (sixteen months later).

Nor has Mr. Goldstein cited any case law opposing *In re Babbs*, 265 B.R. 35 (Brcty., S.D.N.Y. 2001), in which Judge Blackshear held that the **"residential lessor's claim for debtor's**

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postpetition, pre-conversion [to Chapter 7] **rental arrears was entitled to administrative expense priority.** See also *In re Patient Education Media, Inc.*, 221 B.R. 97 (Brctcy., S.D.N.Y. 1998).

Therefore, I respectfully request that tomorrow's hearing on the Owner's Motion for Administrative Priority Claim proceed as scheduled, or at the very least, not be adjourned for an additional, unconscionable two (2) months.

Respectfully,

Stuart Thalblum

Stuart Thalblum

ST/cr

Enc.

cc: Warren Greher, Esq. (845-567-0025)